

**Opening Statement Of
The Honorable James L. Oberstar, Chairman
Committee On Transportation and Infrastructure
Hearing On
“The 35th Anniversary of the Clean Water Act”
October 18, 2007**

Good morning. I would like to welcome everyone to our hearing, celebrating the 35th anniversary of the Clean Water Act. Today, we reminisce on how our environmental initiatives have blossomed since the Clean Water Act passed in 1972, as well as remind ourselves of the work that still stands before us.

When the Federal Water Pollution Control Act Amendments of 1972 were passed, only one-third of our nation's waters met water quality goals. Today, two-thirds of our waters meet such goals. We have made great strides towards the goal of restoring and maintaining “the chemical, physical, and biological integrity of the nation's waters,” but we have not yet completed our task. We still strive for “swimmable and fishable” waters across the nation.

It gives me great personal pleasure to sit on the dais today for this particular commemoration. I was a staffer on the Committee on Public Works and Transportation for my predecessor, John Blatnik, when Congress overrode a presidential veto to pass the Clean Water Act into law in 1972. It was a landmark initiative that set the course for how we would view our nation's water resources to this day.

The historical underpinnings of the Clean Water Act can be traced back to the Rivers and Harbors Appropriations Act of 1890, which required approval from the Secretary of War for the construction of works that could impair waterways. This was typical of early water resources legislation, which focused on use-based restrictions of the country's waters in order to maximize industrial and navigational operations. Water quality, for habitat, drinking water, and recreational uses, was not addressed.

Eight years before the Clean Water Act was passed, in 1964, Shel Silverstein's children's book *The Giving Tree* was first published. The book tells a tale of a young boy and a tree he visits throughout his lifetime. The tree provides for the boy: vines to swing from, apples to eat, shade to sit under, and branches to build a home. When the tree allows the boy to cut him down to build a boat, a stump remains. Years later, the boy comes back an old man – and the stump must admit he has nothing left to give.

This story illustrates one unequivocal truth of nature in simplistic terms: our society can only take so much before nature has nothing left to give. When we over-tax our natural resources, with little regard for the future, we ruin the chance for the next generation to appreciate some of our earth's most remarkable treasures. If we take nature for granted, our nation will not display the natural splendors of an Ansel Adams photograph, but the literary photograph of disgust in Upton Sinclair's *The Jungle*.

A mere five years after Mr. Silverstein's book was on the market, the Cuyahoga River in Cleveland, Ohio caught fire, fueled by flames of oil and industrial waste that polluted the

waters. At the same time, Lake Erie was declared “dead.” Lacking oxygen in the water, fish die-offs were commonplace in the Great Lakes. Waters across the nation were ill, in need of resuscitation and aid. Our safe aquatic food supply was diminishing, healthy waters for swimming and boating were declining rapidly, and unsafe poisons and pollution were the norm.

This was an underlying sentiment to the 1972 Act: we must clean up and preserve what we have for the future, for the children. No one involved in the contentious debate believed that our task would be easy – but it was governed by one guiding principle – that all waters which ever existed or would exist in the future, were here today, and it was our moral responsibility to protect them. In 1972, we sought to maximize public and ecological health while striking a careful balance with our economic well-being.

Before our action, each state was charged with promulgating, implementing, and enforcing its own water quality standards. The flaw in this approach is that much of the nation’s waters are shared by more than one state. Therefore, downstream states were forced to bear the burden of the polluting activities of other upstream states. Downstream states did not have much incentive to implement strict standards to clean up their own pollution when upstream users were going to foul their waters nonetheless. In addition, business and industry could relocate to states where policies were more lenient to industry output.

The Clean Water Act helped to remedy the situation of uneven standards by creating an even playing field, where states were not punished in the marketplace for enforcing strict standards. The Act created a Federal floor in which all jurisdictions and entities had to comply.

In addition, the Act sought to build partnerships between the Federal government, states, and localities to invest in wastewater infrastructure improvements that led to considerably improved water quality.

We have seen these improvements, but I will caution that our work is not complete. One-third of our waters do not meet standards we set 35 years ago. Our aquatic food supply is still facing challenges of mercury and other chemicals. Our infrastructure is aging and the investments do not meet needs or demands. There is confusion of which waters fall under Clean Water jurisdiction.

As always, I hope to learn from our past successes to address our awaiting future challenges.